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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/224,029
	Filing Date	December 31, 1998
	First Named Inventor	Mario DiMarco
	Group Art Unit	2841
	Examiner Name	Tuan T. Dinh
Total Number of Pages in This Submission	Attorney Docket Number	46180.4900/A62-25127-US

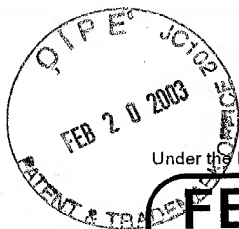
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<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	Shahpar Shahpar, SNELL & WILMER LLP One Arizona Center, 400 East Van Buren Phoenix, Arizona 85004-2202
Signature	S. Stef U.S. Reg. No. 45,875
Date	February 20, 2003

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FEE TRANSMITTAL for FY 2003 <small>Effective 01/01/2003. Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	09/224,029
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	December 31, 2003
TOTAL AMOUNT OF PAYMENT (\$)		First Named Inventor	Mario DiMarco
		Examiner Name	Tuan T. Dinh
		Group Art Unit	2841
		Attorney Docket No.	46180.4900/A62-25127-US

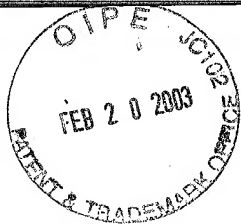
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unavoidable</td><td></td></tr><tr><td>1453</td><td>1,300</td><td>2453</td><td>650</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>1501</td><td>1,300</td><td>2501</td><td>650</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td><td></td></tr><tr><td>1503</td><td>630</td><td>2503</td><td>315</td><td>Plant issue fee</td><td></td></tr><tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR § 1.17(q)</td><td></td></tr><tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Statement</td><td></td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr><tr><td>1810</td><td>750</td><td>2810</td><td>375</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr><tr><td>1801</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="2">Other fee (specify) _____</td><td colspan="4">SUBTOTAL (3) (\$) \$320.00</td></tr></tbody></table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Shahpar Shahpar	Registration No. (Attorney/Agent)	45,875
Signature		Telephone	(602) 382-6306
		Date	February 20, 2003

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EXPRESS MAIL NO. 609007325US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
PATENT

Applicant/ Honeywell International Inc.

Appellant:

Inventor: Mario DiMarco

Serial No.: 09/224,029

Filing Date: December 31, 1998

Title:

METHODS AND APPARATUS FOR
CIRCUIT INTEGRATION

Docket No.:

46180.4900

Client Ref:

A62-25127-US

Group Art Unit:

2841

Examiner:

Tuan T. Dinh

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REQUEST TO REINSTATE APPEAL UNDER 37 C.F.R. § 1.193(b)(2)(ii)

Box-Appeal-FEE
Assistant Commissioner for Patents
Washington, D.C. 20231-0001

Dear Sir or Madam:

Appellant hereby requests reinstatement of the appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated March 13, 2002 finally rejecting claims 6-24. A Supplemental Appeal Brief is attached to this Request. 37 C.F.R. § 1.193(b)(2)(ii).

Our check in the amount of \$320.00 is enclosed to cover the fee for filing the Supplemental Appeal Brief. Please charge any additional fees regarding this Request, or credit any overpayment, to deposit account No. 19-2814.

EXPRESS MAIL NO. 609007325US

Two duplicate copies of this Request to Reinstate Appeal are enclosed.

Date: 2-20-03

Respectfully submitted,



Shahpar Shahpar, Reg. No. 45,875

SNELL & WILMER L.L.P.

One Arizona Center

400 East Van Buren

Phoenix, Arizona 85004-2202

Telephone: (602) 382-6306

Facsimile: (602) 382-6070

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EXPRESS MAIL NO. 609007325US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: Honeywell International Inc.

Inventor: Mario DiMarco

Serial No.: 09/224,029

Filing Date: December 31, 1998

Title: METHODS AND APPARATUS FOR CIRCUIT INTEGRATION

Examiner: Tuan T. Dinh

Art Unit: 2841

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Assistant Commissioner for Patents
Washington, D.C. 20231

APPELLANT'S SUPPLEMENTAL APPEAL BRIEF PURSUANT
TO 37 C.F.R. § 1.193(b)(2)(ii)

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SNELL & WILMER L.L.P.
One Arizona Center
Phoenix, Arizona 85004-2202
Telephone: (602) 382-6306
Facsimile: (602) 382-6070

(Submitted in Triplicate)

Serial No. 09/224,029
46180.4900

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellant: Honeywell International Inc.

Inventor: Mario DiMarco

Serial No.: 09/224,029

Filing Date: December 31, 1998

Title: METHODS AND APPARATUS FOR CIRCUIT INTEGRATION

Examiner: Tuan T. Dinh

Art Unit: 2841

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TO: Box SUPPLEMENTAL APPEAL BRIEF-FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

APPELLANT'S SUPPLEMENTAL APPEAL BRIEF
PURSUANT TO 37 C.F.R. § 1.193(b)(2)(ii)

Dear Assistant Commissioner:

Appellant requests reinstatement of the appeal of the decision of the Examiner finally rejecting all of the claims pending in the present application, and submits this Supplemental Appeal Brief under 37 C.F.R. § 1.193(b)(2)(ii).

This application was filed on December 31, 1998. The case has now been pending for more than 5 years. After a protracted prosecution, Appellant filed a Notice of Appeal on June 13, 2002. An appeal brief was timely filed on August 13, 2002. The Examiner did not file an answer and reply brief. Instead, in an Office Action dated November 20, 2002, the Examiner has attempted to reopen prosecution of the present application and assert a new ground for rejection. For the reasons stated herein, Appellant has elected to reinstate the appeal and files this Supplemental Appeal Brief in accordance with 37 C.F.R. § 1.193(b)(2)(ii). This Supplemental

Appeal Brief will only address new issues raised or not otherwise addressed since the filing of Appellant's Appeal Brief.

I. REAL PARTY IN INTEREST

Honeywell International Inc. is the real party in interest in the subject application, by virtue of an Assignment from inventor Mario DiMarco to Honeywell, Inc. (recorded on March 26, 1999 at Reel 010241, Frame 0847) and the merger of Honeywell, Inc. into Honeywell International Inc.

II. NEW ISSUES

1. Whether the appeal should be reinstated.
2. Whether the Examiner can raise a new ground of rejection at this late date.
3. Whether the new reference cited by the Examiner is any more relevant than the art already of record.

III. ARGUMENT

A. Appellant Requests Reinstatement of This Appeal in View of the Protracted Prosecution History of This Application

Appellant respectfully requests reinstatement of this appeal pursuant to 37 C.F.R. §1.193(b)(2)(ii).

This application was filed on December 31, 1998. The case has been pending for more than 5 years. After four Office Actions and one Advisory Action, the Examiner has attempted to put this application back to "square one" by entering yet another new ground of rejection. The latest Office Action issued on November 20, 2002, attempting to reopen prosecution, would represent the fifth time that the Examiner has issued rejections in this case, not counting the Advisory Action mentioned above. In four of the five Office Actions, the Examiner shifted position and changed the primary prior art reference that he relied upon in his rejections. Appellant has attempted, without success, to place this application into either condition for allowance, or into condition for an appeal. Essentially the same claims 6-20 have been at issue in the last four Office Actions. Every time that Appellant has overcome the Examiner's rejection of these claims, the Examiner has come back with a new reference to reject the claims. The prosecution of this case has become interminable.

Outlined below in table format is a summary of the prosecution history to date.

DATE AND ACTION	REJECTION/CLAIMS	REFERENCE(S)	SUPERVISORY OR PRIMARY EXAMINER
May 9, 2000 Office Action	35 U.S.C. § 112, Claims 1-5		signed by Supervisory Examiner Jeffrey Gaffin
	35 U.S.C. § 102, Claims 1, 4, 5	Tamura	
	35 U.S.C. § 103, Claims 2, 3	Tamura/Keeth	
November 9, 2000 Response to Office Action	cancel Claims 1-5 and add new Claims 6-20		
February 1, 2001 Final Office Action	35 U.S.C. § 112, Claim 8		signed by Supervisory Examiner Jeffrey Gaffin
	35 U.S.C. § 102, Claims 6, 7, 15, 18- 20	Craker	
	35 U.S.C. § 103, Claim 8	Craker/Davies	
	35 U.S.C. § 103, Claims 9-12, 16, 17	Craker/McKenzie	
	35 U.S.C. § 103, Claims 13, 14	Craker/Tollbom	
April 2, 2001 Response to Final Office Action	Claim 15 amended		
May 15, 2001 Advisory Action			signed by Supervisory Examiner Jeffrey Gaffin

July 2, 2001 Continued Prosecution Application under 37 C.F.R. 1.53(d)	Claims 6-20 pending		
July 5, 2001 Preliminary Amendment	Claims 6 and 15 amended and new Claims 21-24 added		
October 3, 2001 Office Action	35 U.S.C. § 102, Claims 21-24	Keeth	signed by Primary Examiner Jay Gandhi
	35 U.S.C. § 103, Claims 6-8, 11, 12, 15-20	Keeth/Martin	
	35 U.S.C. § 103, Claims 9, 10	Keeth/Martin/McKenzie	
January 3, 2002 Response to Office Action			
March 13, 2002 Final Office Action	35 U.S.C. § 102, Claims 21-24	Keeth	signed by Primary Examiner K. Khuneo
	35 U.S.C. § 103, Claims 6-8, 11, 12, 15-20	Keeth/Martin	
	35 U.S.C. § 103, Claims 9, 10	Keeth/Martin/McKenzie	
May 13, 2002 Response to Final Office Action			
June 13, 2002 Notice of Appeal			
August 13, 2002 Appeal Brief			
November 20, 2002 Office Action Reopening Prosecution	35 U.S.C. § 102, Claims 21-24	Eddy	signed by Primary Examiner Albert Paladini
	35 U.S.C. § 103, Claims 6-8, 11, 12, 15-20	Eddy/Martin	
	35 U.S.C. § 103, Claims 9, 10	Eddy/Martin/McKenzie	
	35 U.S.C. § 103, Claims 13, 14	Eddy/Martin/Tollbom	

In response to each Office Action, Appellant has made an earnest attempt to overcome the Examiner's rejections, and to place this application into condition for allowance. Appellant has not been successful in doing so, because the Examiner keeps shifting his position by citing a new reference against the same claims to justify his continued rejection of the application. If the Examiner is allowed to continue this practice of citing a new primary reference over and over again, the prosecution of this application will never end. Appellant respectfully asserts that enough is enough.

Under 37 C.F.R. § 104(a)(1), the Examiner is required to "make a thorough investigation of the available prior art" at the outset of the prosecution. The Examiner's office actions are required by 37 C.F.R. § 104(b) to be "complete." When the Examiner rejects an application, under 37 C.F.R. § 104(c)(2) he is required to "cite the best references at his or her command." In this case, either the Examiner did not make a thorough investigation of the available prior art at the outset, or he has failed to cite the best references at his command. Under either circumstance, Appellant does not believe it is fair to expect Appellant to exercise the option of reopening prosecution in order to allow the Examiner to continue to reject this application over and over again, each time relying on continually less relevant cited prior art references.

Thus, Appellant has requested reinstatement of this appeal in order to bring closure to this interminable prosecution.

B. The Examiner Cannot Raise a New Ground of Rejection at This Late Date

The Examiner's attempt to raise new grounds of rejection is untimely. Under 37 C.F.R. § 1.193(a)(2), "An examiner's answer must not include a new ground of rejection". Accordingly, in view of Appellant's request for reinstatement of the appeal, the new grounds of rejection in the Office Action dated November 20, 2002 cannot be asserted in this appeal.

C. The New Eddy Reference Cited by the Examiner Is No More Relevant Than the Art Already of Record

The Examiner's recent attempted to reopen prosecution is based on U.S. Patent No. 6,241,530 B1, issued June 5, 2001, to Eddy. This Eddy reference was available and could have been cited in one of the Examiner's prior Office Actions. Nevertheless, the Eddy reference is no more relevant than the art already of record.

The Eddy system is a backplane assembly for an electronic system chassis. Col. 1, lines 5-7. Eddy discloses a backplane assembly 10 for printed circuit modules (e.g., I/O modules 12). The backplane assembly has a backplane 14 and first and second signal transmission channels 16 and 18. According to Eddy, the backplane assembly 10 also has multiple pairs (defined by I/O module slots) of substantially identical first and second connectors 20A and 20B mounted on backplane 14. First connector 20A is connected to first channel 16 and second connector 20B is connected to second channel 18. Col. 2, line 59 to Col. 3, line 10. Each of I/O modules 12 has a printed circuit card 30. A front edge 38 of each printed circuit card 30 has a front plate 40. A rear edge 34 of each printed circuit card 30 has a rear edge connector 36 for releasably mating with any one of the first and second connectors 20A and 20B of the multiple pairs of backplane 14. Col. 3, lines 32-39.

Significantly, Eddy is geared toward addressing inefficiencies in redundant chassis, inoperative channels, and ganging of I/O modules. In this manner, Eddy does not recognize and consequently fails to address the problems solved by the present invention. For example, the present invention addresses electromagnetic interference (EMI), radio frequency interference (RFI), environmental contaminants, and vibrations. See Present Application, p. 1, lines 11-14. Thus, the new reference cited by the Examiner is no more relevant than the references previously cited. Consequently, the arguments made in Appellant's Appeal Brief are equally applicable to the new grounds of rejection.

The secondary references relied upon by the Examiner to support his new grounds of rejection were all previously of record, and raise no new issues. The Tollbom reference (U.S. Patent No. 5,793,614, issued August 11, 1998) cited by the Examiner in the new grounds for rejection was last cited in the Office Action of February 1, 2001. The Examiner did not cite the Tollbom reference in any subsequent Office Action during the last two years. The Examiner's last-minute attempt to resurrect the Tollbom reference at this late date further supports Appellant's position that, if the Examiner is allowed to continue with business as usual, prosecution of this case will never end. The Examiner's practice of shifting position over and over again, and rejecting the same claims based on a new primary reference cited each time in a never-ending series of Office Actions, should not be condoned. The Examiner should be reversed.

IV. CONCLUSION

For the above reasons, Appellant requests reinstatement of the Appeal and respectfully submits that claims 6-24 are patentable over the prior art for the reasons advanced in Appellant's Appeal Brief. Appellant respectfully requests that the Board reverse the Examiner's rejections.

Dated: February 20, 2003

Respectfully submitted,

By: 

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